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REMARKS

Claims 1-9 are pending. Claims 10-19 have been cancelled without prejudice towards their re-submission in this application or in any continuing applications.

Independent Claim 1 has been amended to recite: "the scuff surface having a generally hemispheric shape, the base, the guides and the scuff surface cooperating to maintain a cue stick in longitudinal alignment with the scuff surface on the base plate, the rotation of the cue stick about its longitudinal axis and pressuring of the tip thereon against the scuff surface providing a generally hemispheric contour to cue tip that is substantially concentric with the longitudinal axis of the cue stick." Support for this amendment can be found in the present Specification at, for example, page 1, line 17, and page 7, line 11 through page 8, line 5.

In the Final Office Action dated June 16, 2006, Claims 1, 2 and 5-7 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. 1,279,734 to McCarthy ("McCarthy"). Claims 3 and 4 were rejected under 35 U.S.C. § 103 as being obvious over McCarthy in combination with U.S. 4,620,370 to Zownir, *et al.* ("Zownir"), Claim 5 was rejected under 35 U.S.C. § 103 as being obvious over McCarthy in combination with U.S. 790,143 to Low ("Low"), and Claims 8 and 9 were rejected under 35 U.S.C. § 103 as being obvious over McCarthy in combination with U.S. 4,594,782 to Willard ("Willard"). In addition, Claims 1, 2 and 5-7 were rejected under 35 U.S.C. § 103 as being obvious over McCarthy in combination with Low; Claims 3 and 4 were rejected under 35 U.S.C. § 103 as being obvious over McCarthy in combination with Low and Zownir; and Claims 8 and 9 were rejected as being obvious over McCarthy in combination with Low and Willard.

For the following reasons, it is believed that these rejections are all overcome, and that Claims 1-9 are all allowable.

Turning initially to the anticipation rejection of independent Claim 1, in order to sustain a rejection under § 102(b), each and every limitation of the claims must necessarily be present in the cited reference. Applicant submits that with the entry of the present Amendment, the rejection of Claim 1 for anticipation by McCarthy cannot be maintained. Even if the blades 21, 22, 23 of McCarthy could be considered "scuff surface," which applicant contends they are not,

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they clearly do not have "a generally hemispheric shape," as is recited in Claim 1. Furthermore, the rotation of the cue stick about its longitudinal axis and pressuring of the tip thereon against one of the blades in the McCarthy device will not provide a generally hemispheric contour to cue tip that is substantially concentric with the longitudinal axis of the cue stick, as is recited in Claim 1.

It is further submitted that McCarthy would not render amended Claim 1 obvious, since there is no teaching or suggestion in McCarthy to modify the reference to provide the cue stick shaper assembly recited in amended Claim 1. As noted in the previous Amendment, McCarthy describes a device used to make specific cuts into a cue shaft, and does not describe shaping or contouring the playing surface of the tip. McCarthy does not even mention shaping or reshaping the playing surface of the tip, and does not appear to even recognize the problem of the playing surface of the cue tip becoming misshapen through use. The types of cuts described in McCarthy are either totally unrelated to the playing surface of the tip (*i.e.* circumferential and right-angle trimming), or would create tip surfaces wholly unsuitable for play (*i.e.* a tenon). McCarthy's device appears to be used to form tenon joints in cue sticks so that a different tip can be attached to the cue. McCarthy is entirely unrelated to the problem of shaping the playing surface of a cue tip, and does not teach or suggest the invention as presently claimed.

Furthermore, the deficiencies described above in connection with the primary McCarthy reference are not overcome by the cited secondary references. As explained in the previous Amendment, the Zownir patent does not relate to the shaping or re-shaping of the *playing surface* of the cue tip, but rather to trimming the *outer circumference* of the cue so as to make the outer periphery of the tip co-extensive with the cylindrical outer surface of an adjacent ferrule. (*See, e.g., col. 1, lines 43-47*). Zownir does not teach or suggest a "scuff surface" having "a generally hemispheric shape," nor does Zownir discuss a device in which "the rotation of the cue stick about its longitudinal axis and pressuring of the tip thereon against the scuff surface provid[es] a generally hemispheric contour to cue tip that is substantially concentric with the longitudinal axis of the cue stick."

Similarly, the Low patent is directed to an entirely different problem from the present invention, and does not teach or suggest a device "for shaping a playing surface of [the] cue tip,"

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as is recited in the present claims. Low teaches a device "for removing old glue from and trimming and leveling the ends of billiard of like cues *preparatory to placing tips thereon.*" (See, e.g., page 1, lines 7-11). Low does not describe or in any way suggest the shaper assembly of amended Claim 1, and even in combination with the primary McCarthy reference, the combination fails to teach or suggest numerous limitations of amended Claim 1.

The secondary Willard reference does describe a device having a carbide lined depression that can be used to shape the playing surface of a cue. However, as discussed in the Applicant's previous Amendment, Fig. 3 of Willard shows the disadvantage of its device requiring the cue stick be kept perpendicular to the plane of the device, else the tip shape would not be concentric with respect to the axis of the stick. Willard does not even recognize or acknowledge the problem of maintaining the stick in perpendicular alignment with the plane of the device, and certainly does not teach or suggest "an arrangement of articulable guides for receiving and aligning a cue stick tip received therebetween, each guide independently slidable relative to the base," as is recited in the present Claims. Willard also does not teach that the "base, the guides and the scuff surface cooperating to maintain a cue stick in longitudinal alignment with the scuff surface on the base plate," and Willard's device does not guarantee that the tip surface is substantially concentric with the longitudinal axis of the cue stick, as is recited in Claim 1.

Furthermore, as discussed above, the other references cited by the Examiner relate to entirely different problems than the present invention, and do not relate at all to shaping the playing surface of a cue. Thus, there is no teaching, suggestion or motivation to combine any of the teachings of these disparate references to provide the invention as presently claimed, particularly since the problem of maintaining alignment of the cue stick while shaping the playing surface of the tip that the present invention uniquely solves was not even recognized in any of the prior art of record. Accordingly, it is believed that the obviousness rejections are all overcome, and that Claims 1-9 should all be allowed.

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CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,
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